

IN THE UNITED STATES DISTRICT  
FOR THE DISTRICT OF DELAWARE

x-----x  
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:  
HE LI, CHANGAI ZHUO, and :  
ZEHAO LI, :  
:  
Plaintiffs : Civil Action No. 06-733-JJF  
:  
v. :  
:  
MICHAEL CHERTOFF, et al., :  
:  
Defendants. :  
:  
x-----x

MOTION OF DEFENDANTS TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(1), the Government respectfully moves to dismiss for want of subject matter jurisdiction, for the reasons set forth in the attached supporting legal memorandum.

Respectfully Submitted,

COLM F. CONNOLLY  
United States Attorney

By: /s/ Seth M. Beausang  
Seth M. Beausang (I.D. No. 4071)  
Assistant United States Attorney  
The Nemours Building  
1007 Orange Street, Suit 700  
Wilmington, DE 19801  
(302) 573-6277

CERTIFICATE OF SERVICE

I hereby certify this 11th day of April, 2007, that a copy of the foregoing Government's Motion to Dismiss and Memorandum in support thereof, and Proposed Order was served by United States Mail, postage prepaid, first-class on:

He Li  
Changai Zhuo  
Zehao Li  
403 King Rail Court  
Middletown, DE 19709

/s/ Seth M. Beausang  
Assistant United States Attorney

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O R D E R

AND NOW, this                      day of                      , 2007,  
the United States having filed a motion to dismiss, and the Court  
having considered the memoranda and other materials submitted in  
support thereof and in opposition thereto, and the Court having  
determined that it lacks subject matter jurisdiction, IT IS  
HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. This case is DISMISSED WITHOUT PREJUDICE.

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UNITED STATES DISTRICT JUDGE